

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PAUL JONES, Plaintiff, v. DOLAN CONNLY, P.C.; JAMES W. DOLAN; BARBARA D. CONNLY; KATHLEEN M. ALLEN; DAVID A. MARSOCCI; BANK OF NEW YORK MELLON; GREGORY A. CONNLY; ORLANS, P.C.; LINDA ORLANS; ALISON ORLANS; JANE DOE; JOHN DOE; and SELECT PORTFOLIO SERVICING, INC., Defendants.))))))))))))))	Civil Action No. 19-11076-FDS
--	--	--

ORDER

SAYLOR, J.

The motions of plaintiff Paul Jones for a default judgment against defendants Orlans P.C., Linda Orlans, and Alison Orlans (Docket Nos. 46, 47, and 48) will be denied. It does not appear that service of process has been properly effected in accordance with Fed. R. Civ. P. 4. According to the returns of service, service was effected by certified mail (Docket Nos. 21, 22, and 23). Delivery by certified mail does not constitute sufficient service of process under Rule 4.

See, e.g., Payne v. Massachusetts, WL 5583117 (D. Mass. Nov. 18, 2010). Proper service of process, or a waiver of service, is a necessary step to establish this Court's personal jurisdiction, and a default judgment entered by a court lacking jurisdiction over the defendant is void. *See Precision Etching & Findings, Inc. v. LGP Gem, LTD*, 953 F.2d 21, 23 (1st Cir. 1992).

Furthermore, and in any event, the Court will not enter a partial judgment as to only some defendants and not others.

The motion for a default judgment is therefore DENIED. It is further ordered that the defaults entered by the clerk as to defendants Orlans P.C.; Linda Orlans; and Alison Orlans (Docket Nos. 41 and 42) are hereby VACATED. Plaintiff shall effectuate proper service, and demonstrate proof of service, on defendants Orlans P.C., Linda Orlans, and Alison Orlans within 45 days of this order, or the claims against those defendants will be dismissed without prejudice.

So Ordered.

/s/ F. Dennis Saylor

F. Dennis Saylor IV
United States District Judge

Dated: October 8, 2019